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11 **and PETER RAZANSKAS**

12
13 **UNITED STATES DISTRICT COURT**
14
15 **CENTRAL DISTRICT OF CALIFORNIA**
16

17 **OBIE STEVEN ANTHONY III,**

18
19 *Plaintiff,*

20 *v.*

21 **CITY OF LOS ANGELES; MARCELLA**
22 **WINN; PETER RAZANSKAS; and**
23 **DOES 1-10 INCLUSIVE,**

24
25 *Defendants.*
26

27) **CASE NO.: CV12-1332 DSF (DTBx)**
28) *Hon. Dale S. Fischer, Ctrm. 840, Roybal*
) *Mag. David T. Bristow, Ctrm. 4, Riverside*

) **DEFENDANTS CITY OF LOS**
) **ANGELES, MARCELLA WINN, AND**
) **PETER RAZANSKAS' ANSWER**
) **TO PLAINTIFF'S COMPLAINT FOR**
) **DAMAGES; DEMAND FOR JURY**
) **TRIAL**

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32 **COMES NOW DEFENDANTS, CITY OF LOS ANGELES, MARCELLA**
33 **WINN, and PETER RAZANSKAS** answer Plaintiff's Complaint in the above-entitled
34 action, for themselves alone and for no other party, hereby admit, deny, and allege as
35 follows:

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37 ///

I.

JURISDICTION AND VENUE

1. Answering paragraph 1, Defendants admit the allegations contained therein.
2. Answering paragraph 2, Defendants admit the allegations contained therein.
3. Answering paragraph 3, Defendants deny the allegations contained therein.

II.

INTRODUCTION

4. Answering paragraph 4, Defendants admit that Plaintiff was arrested in connection with a murder. Defendants deny the remaining allegations.

5. Answering paragraph 5, Defendants deny the allegations contained therein.
6. Answering paragraph 6, Defendants deny the allegations contained therein.
7. Answering paragraph 7, Defendants deny the allegations contained therein.
8. Answering paragraph 8, Defendants deny the allegations contained therein.
9. Answering paragraph 9, Defendants deny the allegations contained therein.

III.

PARTIES

10. Answering paragraph 10, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

11. Answering paragraph 11, Defendants deny the allegations contained therein.
12. Answering paragraph 12, Defendants deny the allegations contained therein.
13. Answering paragraph 13, Defendants deny the allegations contained therein.
14. Answering paragraph 14, Defendants deny the allegations contained therein.

IV.

GENERAL ALLEGATIONS

15. Answering paragraph 15, Defendants deny the allegations contained therein.
16. Answering paragraph 16, Defendants deny the allegations contained therein.
17. Answering paragraph 17, Defendants deny the allegations contained therein.

V.

FACTUAL ALLEGATIONS

A. BACKGROUND

18. Answering paragraph 18, Defendants deny the allegations contained therein.
19. Answering paragraph 19, Defendants deny the allegations contained therein.
20. Answering paragraph 20, Defendants deny the allegations contained therein.
21. Answering paragraph 21, Defendants deny the allegations contained therein.

B. INVESTIGATION

22. Answering paragraph 22, Defendants deny the allegations contained therein.
23. Answering paragraph 23, Defendants deny the allegations contained therein.
24. Answering paragraph 24, Defendants deny the allegations contained therein.
25. Answering paragraph 25, Defendants deny the allegations contained therein.
26. Answering paragraph 26, Defendants deny the allegations contained therein.
27. Answering paragraph 27, Defendants deny the allegations contained therein.
28. Answering paragraph 28, Defendants deny the allegations contained therein.
29. Answering paragraph 29, Defendants deny the allegations contained therein.
30. Answering paragraph 30, Defendants deny the allegations contained therein.
31. Answering paragraph 31, Defendants deny the allegations contained therein.
32. Answering paragraph 32, Defendants deny the allegations contained therein.
33. Answering paragraph 33, Defendants deny the allegations contained therein.
34. Answering paragraph 34, Defendants deny the allegations contained therein.
35. Answering paragraph 35, Defendants deny the allegations contained therein.
36. Answering paragraph 36, Defendants deny the allegations contained therein.
37. Answering paragraph 37, Defendants deny the allegations contained therein.
38. Answering paragraph 38, Defendants deny the allegations contained therein.
39. Answering paragraph 39, Defendants deny the allegations contained therein.
40. Answering paragraph 40, Defendants deny the allegations contained therein.
41. Answering paragraph 41, Defendants deny the allegations contained therein.

42. Answering paragraph 42, Defendants deny the allegations contained therein.

43. Answering paragraph 43, Defendants deny the allegations contained therein.

44. Answering paragraph 44, Defendants deny the allegations contained therein.

45. Answering paragraph 45, Defendants deny the allegations contained therein.

46. Answering paragraph 46, Defendants deny the allegations contained therein.

47. Answering paragraph 47, Defendants deny the allegations contained therein.

48. Answering paragraph 48, Defendants deny the allegations contained therein.

49. Answering paragraph 49, Defendants deny the allegations contained therein.

50. Answering paragraph 50, Defendants deny the allegations contained therein.

51. Answering paragraph 51, Defendants deny the allegations contained therein.

52. Answering paragraph 52, Defendants deny the allegations contained therein.

53. Answering paragraph 53, Defendants deny the allegations contained therein.

54. Answering paragraph 54, Defendants deny the allegations contained therein.

55. Answering paragraph 55, Defendants deny the allegations contained therein.

56. Answering paragraph 56, Defendants deny the allegations contained therein.

57. Answering paragraph 57, Defendants deny the allegations contained therein.

58. Answering paragraph 58, Defendants deny the allegations contained therein.

59. Answering paragraph 59, Defendants deny the allegations contained therein.

60. Answering paragraph 60, Defendants deny the allegations contained therein.

C. SUPERIOR COURT PROCEEDINGS

61. Answering paragraph 61, Defendants deny the allegations contained therein.

62. Answering paragraph 62, Defendants deny the allegations contained therein.

63. Answering paragraph 63, Defendants deny the allegations contained therein.

64. Answering paragraph 64, Defendants deny the allegations contained therein.

65. Answering paragraph 65, Defendants deny the allegations contained therein.

66. Answering paragraph 66, Defendants deny the allegations contained therein.

67. Answering paragraph 67, Defendants deny the allegations contained therein.

68. Answering paragraph 68, Defendants deny the allegations contained therein.

69. Answering paragraph 69, Defendants deny the allegations contained therein.

70. Answering paragraph 70, Defendants deny the allegations contained therein.

71. Answering paragraph 71, Defendants deny the allegations contained therein.

D. JOHN JONES COMMITTED PERJURY AT THE PRELIMINARY HEARING AND TRIAL, AND DEFENDANTS, ALTHOUGH AWARE OF IT, NEVER ADVISED THE DISTRICT ATTORNEY OF THE FACT.

72. Answering paragraph 72, Defendants deny the allegations contained therein.

73. Answering paragraph 73, Defendants deny the allegations contained therein.

74. Answering paragraph 74, Defendants deny the allegations contained therein.

75. Answering paragraph 75, Defendants deny the allegations contained therein.

76. Answering paragraph 76, Defendants deny the allegations contained therein.

77. Answering paragraph 77, Defendants deny the allegations contained therein.

78. Answering paragraph 78, Defendants deny the allegations contained therein.

79. Answering paragraph 79, Defendants deny the allegations contained therein.

80. Answering paragraph 80, Defendants deny the allegations contained therein.

81. Answering paragraph 81, Defendants deny the allegations contained therein.

82. Answering paragraph 82, Defendants deny the allegations contained therein.

83. Answering paragraph 83, Defendants deny the allegations contained therein.

84. Answering paragraph 84, Defendants deny the allegations contained therein.

85. Answering paragraph 85, Defendants deny the allegations contained therein.

86. Answering paragraph 86, Defendants deny the allegations contained therein.

87. Answering paragraph 87, Defendants deny the allegations contained therein.

E. AS A RESULT OF THE CITY OF LOS ANGELES POLICE DEPARTMENT POLICIES, CUSTOMS AND PRACTICES VIOLATING THE RIGHT TO BE FREE FROM IMPROPER AND SUGGESTIVE EYEWITNESS IDENTIFICATIONS, AND POLICIES, CUSTOMS AND PROCEDURES VIOLATING DEFENDANT'S RIGHT TO EXCULPATORY INFORMATION, SUGGESTIVE EYEWITNESS IDENTIFICATION

1 **PROCEDURES WERE EMPLOYED WITH EYEWITNESSES AND**
2 **DEFENDANTS WINN AND RAZANSKAS CONCEALED FROM THE**
3 **DEPUTY DISTRICT ATTORNEY AND THE DEFENSE JOHN JONES'**
4 **STATUS AS AN INFORMANT AND BENEFITS HE RECEIVED IN HIS**
5 **OWN CASE.**

6 88. Answering paragraph 88, Defendants deny the allegations contained therein.

7 89. Answering paragraph 89, Defendants deny the allegations contained therein.

8 90. Answering paragraph 90, Defendants deny the allegations contained therein.

9 91. Answering paragraph 91, Defendants deny the allegations contained therein.

10 92. Answering paragraph 92, Defendants deny the allegations contained therein.

11 93. Answering paragraph 93, Defendants deny the allegations contained therein.

12 94. Answering paragraph 94, Defendants deny the allegations contained therein.

13 95. Answering paragraph 95, Defendants deny the allegations contained therein.

14 96. Answering paragraph 96, Defendants deny the allegations contained therein.

15 97. Answering paragraph 97, Defendants deny the allegations contained therein.

16 98. Answering paragraph 98, Defendants deny the allegations contained therein.

17 **F. MR. ANTHONY'S PETITION FOR WRIT OF HABEAS CORPUS**

18 99. Answering paragraph 99, Defendants deny the allegations contained therein.

19 100. Answering paragraph 100, Defendants deny the allegations contained
20 therein.

21 101. Answering paragraph 101, Defendants deny the allegations contained
22 therein.

23 102. Answering paragraph 102, Defendants deny the allegations contained
24 therein.

25 103. Answering paragraph 103, Defendants deny the allegations contained
26 therein.

27 104. Answering paragraph 104, Defendants deny the allegations contained
28 therein.

1 105. Answering paragraph 105, Defendants deny the allegations contained
2 therein.

3 106. Answering paragraph 106, Defendants deny the allegations contained
4 therein.

5 107. Answering paragraph 107, Defendants deny the allegations contained
6 therein.

7 108. Answering paragraph 108, Defendants deny the allegations contained
8 therein.

9 109. Answering paragraph 109, Defendants deny the allegations contained
10 therein.

11 110. Answering paragraph 110, Defendants deny the allegations contained
12 therein.

13 111. Answering paragraph 111, Defendants deny the allegations contained
14 therein.

15 112. Answering paragraph 112, Defendants deny the allegations contained
16 therein.

17 113. Answering paragraph 113, Defendants deny the allegations contained
18 therein.

19 114. Answering paragraph 114, Defendants deny the allegations contained
20 therein.

21 115. Answering paragraph 115, Defendants deny the allegations contained
22 therein.

23 **G. MR. COLE'S PETITION FOR WRIT OF HABEAS CORPUS AND MOTION**
24 **TO STRIKE PRIOR**

25 116. Answering paragraph 116, Defendants deny the allegations contained
26 therein.

27 117. Answering paragraph 117, Defendants deny the allegations contained
28 therein.

H. PARTICIPATION, STATE OF MIND AND DAMAGES

118. Answering paragraph 118, Defendants deny the allegations contained therein.

119. Answering paragraph 119, Defendants deny the allegations contained therein.

120. Answering paragraph 120, Defendants deny the allegations contained therein.

121. Answering paragraph 121, Defendants deny the allegations contained therein.

122. Answering paragraph 122, Defendants deny the allegations contained therein.

123. Answering paragraph 123, Defendants deny the allegations contained therein.

124. Answering paragraph 124, Defendants deny the allegations contained therein.

125. Answering paragraph 125, Defendants deny the allegations contained therein.

126. Answering paragraph 126, Defendants deny the allegations contained therein.

127. Answering paragraph 127, Defendants deny the allegations contained therein.

128. Answering paragraph 128, Defendants deny the allegations contained therein.

FIRST CLAIM FOR RELIEF

DEPRIVATION OF CIVIL RIGHTS --

42 U.S.C. § 1983 - - BRADY VIOLATIONS

(Against Defendants Winn, Razanskas and Does 1-10)

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1 129. Answering paragraph 129, Defendants deny the allegations contained
2 therein.

3 130. Answering paragraph 130, Defendants deny the allegations contained
4 therein.

5 131. Answering paragraph 131, Defendants deny the allegations contained
6 therein.

7 132. Answering paragraph 132, Defendants deny the allegations contained
8 therein.

9 133. Answering paragraph 133, Defendants deny the allegations contained
10 therein.

11 134. Answering paragraph 134, Defendants deny the allegations contained
12 therein.

13 135. Answering paragraph 135, Defendants deny the allegations contained
14 therein.

15 **SECOND CLAIM FOR RELIEF**

16 **JOINT ACTION/CONSPIRACY TO VIOLATE CIVIL RIGHTS --**

17 **42 U.S.C. § 1983 - - BRADY VIOLATIONS**

18 **(Against Defendants Winn, Razanskas and Does 1-10)**

19 136. Answering paragraph 136, Defendants deny the allegations contained
20 therein.

21 137. Answering paragraph 137, Defendants deny the allegations contained
22 therein.

23 138. Answering paragraph 138, Defendants deny the allegations contained
24 therein.

25 139. Answering paragraph 139, Defendants deny the allegations contained
26 therein.

27 140. Answering paragraph 140, Defendants deny the allegations contained
28 therein.

THIRD CLAIM FOR RELIEF

DEPRIVATION OF CIVIL RIGHTS --

42 U.S.C. § 1983 - - *MASON/BIGGERS* VIOLATIONS

(Against Defendants Winn, Razanskas and Does 1-10)

141. Answering paragraph 141, Defendants deny the allegations contained therein.

142. Answering paragraph 142, Defendants deny the allegations contained therein.

143. Answering paragraph 143, Defendants deny the allegations contained therein.

144. Answering paragraph 144, Defendants deny the allegations contained therein.

145. Answering paragraph 145, Defendants deny the allegations contained therein.

146. Answering paragraph 146, Defendants deny the allegations contained therein.

FOURTH CLAIM FOR RELIEF

DEPRIVATION OF CIVIL RIGHTS --

42 U.S.C. § 1983 - - FALSE EVIDENCE VIOLATIONS

(Against Defendants Winn, Razanskas and Does 1-10)

147. Answering paragraph 147, Defendants deny the allegations contained therein.

148. Answering paragraph 148, Defendants deny the allegations contained therein.

149. Answering paragraph 149, Defendants deny the allegations contained therein.

150. Answering paragraph 150, Defendants deny the allegations contained therein.

1 151. Answering paragraph 151, Defendants deny the allegations contained
2 therein.

3 **FIFTH CLAIM FOR RELIEF**

4 **DEPRIVATION OF CIVIL RIGHTS --**

5 **42 U.S.C. § 1983 - - FALSE EVIDENCE VIOLATIONS**

6 **(Against Defendants Winn, Razanskas and Does 1-10)**

7 152. Answering paragraph 152, Defendants deny the allegations contained
8 therein.

9 153. Answering paragraph 153, Defendants deny the allegations contained
10 therein.

11 154. Answering paragraph 154, Defendants deny the allegations contained
12 therein.

13 155. Answering paragraph 155, Defendants deny the allegations contained
14 therein.

15 156. Answering paragraph 156, Defendants deny the allegations contained
16 therein.

17 157. Answering paragraph 157, Defendants deny the allegations contained
18 therein.

19 158. Answering paragraph 158, Defendants deny the allegations contained
20 therein.

21 159. Answering paragraph 159, Defendants deny the allegations contained
22 therein.

23 **SIXTH CLAIM FOR RELIEF**

24 **JOINT ACTION/CONSPIRACY TO VIOLATE CIVIL RIGHTS --**

25 **42 U.S.C. § 1983 - - FALSE EVIDENCE VIOLATION**

26 **(Against Defendants Winn, Razanskas and Does 1-10)**

27 160. Answering paragraph 160, Defendants deny the allegations contained
28 therein.

1 161. Answering paragraph 161, Defendants deny the allegations contained
2 therein.

3 162. Answering paragraph 162, Defendants deny the allegations contained
4 therein.

5 163. Answering paragraph 163, Defendants deny the allegations contained
6 therein.

7 164. Answering paragraph 164, Defendants deny the allegations contained
8 therein.

9 **SEVENTH CAUSE OF ACTION**

10 **DEPRIVATION OF CIVIL RIGHTS --**

11 **42 U.S.C. § 1983, SUPERVISORIAL LIABILITY**

12 **(Against Defendants Razanskas and Does 1-10)**

13 166. Answering paragraph 166, Defendants deny the allegations contained
14 therein.

15 167. Answering paragraph 167, Defendants deny the allegations contained
16 therein.

17 168. Answering paragraph 168, Defendants deny the allegations contained
18 therein.

19 169. Answering paragraph 169, Defendants deny the allegations contained
20 therein.

21 170. Answering paragraph 170, Defendants deny the allegations contained
22 therein.

23 171. Answering paragraph 171, Defendants deny the allegations contained
24 therein.

25 172. Answering paragraph 172, Defendants deny the allegations contained
26 therein.

27 173. Answering paragraph 173, Defendants deny the allegations contained
28 therein.

EIGHTH CAUSE OF ACTION
DEPRIVATION OF CIVIL RIGHTS --
42 U.S.C. § 1983 - - MONELL VIOLATIONS
(Against Defendant City of Los Angeles)

174. Answering paragraph 174, Defendants deny the allegations contained therein.

175. Answering paragraph 175, Defendants deny the allegations contained therein.

176. Answering paragraph 176, Defendants deny the allegations contained therein.

177. Answering paragraph 177, Defendants deny the allegations contained therein.

178. Answering paragraph 178, Defendants deny the allegations contained therein.

179. Answering paragraph 179, Defendants deny the allegations contained therein.

AFFIRMATIVE DEFENSES

As separate and distinct affirmative defense, Defendants **CITY OF LOS ANGELES, MARCELLA WINN, and PETER RAZANSKAS** allege each of the following:

FIRST AFFIRMATIVE DEFENSE

1. The Complaint fails to state a cause of action due to applicable statute of limitations.

SECOND AFFIRMATIVE DEFENSE

2. The action is barred by the doctrine of res judicata and/or collateral estoppel.

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1 **THIRD AFFIRMATIVE DEFENSE**

2 3. As to the federal claims and theories of recovery, these answering
3 Defendants are protected from liability under the doctrine of qualified immunity, because
4 Defendants' conduct did not violate clearly established statutory or constitutional rights
5 of which a reasonable person would have known.

6 **FOURTH AFFIRMATIVE DEFENSE**

7 4. As to the federal claims and theories of recovery, these answering
8 Defendants are protected from liability under the doctrine of absolute immunity.

9 **FIFTH AFFIRMATIVE DEFENSE**

10 5. Defendant City of Los Angeles and all Defendants sued in their official
11 capacities are immune from the imposition of punitive damages.

12 **SIXTH AFFIRMATIVE DEFENSE**

13 6. Defendants reserve the right to assert additional affirmative defenses at the
14 appropriate time.

15
16 **PRAYER FOR RELIEF**

17 W H E R E F O R E, Defendants **CITY OF LOS ANGELES, MARCELLA**
18 **WINN**, and **PETER RAZANSKAS** pray for judgment as follows:

- 19 1. That Plaintiff take nothing by this action;
20 2. That the action be dismissed;
21 3. That Defendants be awarded costs of suit;
22 4. That Defendants be awarded other and further relief as the Court may
23 deem just and proper, including an award of attorney's fees pursuant to 42 U.S.C. § 1988.

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DEMAND FOR JURY TRIAL

Defendants **CITY OF LOS ANGELES, MARCELLA WINN, and PETER RAZANSKAS** demand and request a trial by jury in this matter.

DATED: October 24, 2012

CARMEN A. TRUTANICH, City Attorney
GARY G. GEUSS, Chief Assistant City Attorney
CORY M. BRENT, Assistant City Attorney

By


SUREKHA A. PESSIS, Deputy City Attorney

Attorneys for Defendants, **CITY OF LOS ANGELES, MARCELLA WINN, and PETER RAZANSKAS**